

TFW

Appl. No. 10/622,256  
Amdt. Dated April 1, 2005  
Reply to Office Action of March 8, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Paul Dzialakiewicz *et al.*  
Application No. : 10/622,256  
Filed : 07/18/2003  
Title : VALVE ACTUATING APPARATUS  
Group/Art Unit : 3751  
Examiner : Peter T. Devore  
Docket No. : SBC0019

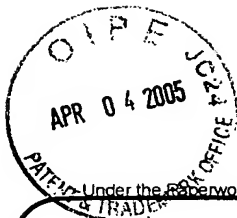
MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ELECTION

Sir:

Applicant acknowledges the Office Action of March 8, 2005. The Examiner asserts that the Application included four patentably distinct species, wherein Species 1 is the embodiment of Figures 4 and 5; Species 2 is the embodiment shown in Figures 8 and 9; Species 3 is the embodiment shown in Figures 10 and 11; and Species 4 is the embodiment shown in Figures 12 and 13.

Applicant elects without traverse Species 1 in Figures 4 and 5. Applicant considers that all claims 1-33 are readable on elected Species 1. Attached is a Listing of Claims.



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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 9

Application Number	10/622,256
Filing Date	07/18/2003
First Named Inventor	Paul Dzialakiewicz
Art Unit	3751
Examiner Name	Peter T. Devore
Attorney Docket Number	SBC0019

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Baker & Daniels		
Signature			
Printed name	Daniel Tychonievich		
Date	04/01/2005	Reg. No.	41,358

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name Daniel Tychonievich

Date 04/01/2005

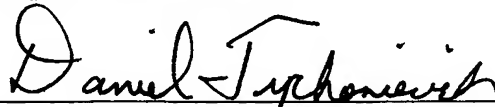
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Should the Examiner have any questions or comments, he is invited to contact Applicant's below signed representative. If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (75588.33). However, please do not include the payment of issue fees.

Respectfully submitted,



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April 1, 2005

Date



Daniel Tychonievich, Reg. No. 41,358

Attachment: Listing of Claims